

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17607 of 2018

-
1. Amar Kumar Sharma Son of Late Banarsi Sharma Resident of Village - Eraji Sahwajpur, P.O. Harauli, Police Station - Sadar Hajipur, District Vaishali.
 2. Ajay Kumar Son of Shyamnandan Bhagat Resident of Village - Ghataro, P.O. Kartaha, District - Vaishali.
 3. Kanhai Kumar Son of Sri Jagdish Paswan Resident of Village - Godaisarej, Police Station - Sadar Hajipur, District - Vaishali.
 4. Birendra Kumar Son of Sri Naggu Ray Resident of Village P.O. Ghataro, P.S. - Kartaha, District - Vaishali.
 5. Sharvan Kumar Son of Sri Singeshwar Thakur Resident of Village - Thanthan, Bujurg, Police Station - Sadar Hajipur, District - Vaishali.
 6. Sanjeev Kumar Singh Son of Late Ram Nagina Singh Resident of Village - Gurmiya, P.O. - Thathan, Police Station - Sadar Hajipur, District - Vaishali.
 7. Ajay Kumar Yadav Son of Jamun Ray Resident of Village - Etwarpur, Pakari, Police Station - Lalganj, District - Vaishali.
 8. Amarjet Kumar Son of Late Ram Nagina Singh Resident of Village - Gurmiya, P.O. - Thathan, Police Station - Sadar Hajipur, District - Vaishali.
 9. Neyaj Ahmad Ansari Son of Late Enamullah Ansari Resident of Village - Ghataro, Police Station - Kartaha, District - Vaishali.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Railway Board through the Chairman, Ministry of Railway, Govt. of India, New Delhi.
3. The Secretary Establishment Railway Board, Ministry of Railway, Govt. of India, New Delhi.
4. The Director Establishment, Railway Board, Ministry of Railway, Govt. of India, New Delhi.
5. The General Manager Personal East Central Railway, Hajipur.
6. The Chief Personal Officer Administration, East Central Railway, Hajipur.
7. The Divisional Railway Manager, E.C.R. Sonapur.
8. The Divisional Railway Manager Personnel, East Central Railway, Sonapur, Saran.
9. The State of Bihar through the District Magistrate , Vaishali at Hajipur.
10. The District Land Aquisition Officer, Vaishali at Hajipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Niraj Kumar, Advocate



For the State	:	Mr. Prashant Kumar, Advocate
For U.O.I.	:	Mr.Dhurjati Kr. Prasad, G.P.-14
	:	Mr. Kanak Verma, C.G.C.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 01-12-2025 Heard the parties.

2. The present petition has been preferred for the following relief/s:

(i) to issue an appropriate writ(a), direction(s), order(e) in the nature of mandamus for a direction to the concerned respondents to appoint the petitioners on Group D post in the respondent Railway in lieu of their land being acquired for the purpose of Hajipur Sugauli New Rail Project in pursuance of application made in said regard pursuant to circular No. RIBE 09/2010 dated 16.07.2010;

(ii) to direct the respondents to dispose the representation dated 11.05.2018 filed by the petitioners and consider their claim providing employees to the Group D post in the office of Respondent Railway;

(iii) to any other relief for which the petitioners are entitled in the facts and



circumstances of the case.

3. The petitioners have jointly preferred this petition with the claim that their land were acquired for **Hajipur-Sugauli Rail Line** in the year 2004 but despite their filing of the petition, they were denied the appointment in the Railways.

4. The counter affidavit of the Railways is on record duly signed by the Senior Personal Officer after service of copy to the learned counsel for the petitioner in the year 2020 without there being any rebuttal to it. According to the said counter affidavit, the letter dated 16.07.2010 (Annexure-1 to the petition) only defines the procedure for calling the application and screening of the candidates etc. where special dispensation is granted by the Ministry of Railways and employment is decided to be offered. It has been further averred that in this case, no policy/special dispensation has been granted by the Ministry of Railways, so the petition cannot be considered and it has been categorically stated that for acquisition of the said **Hajipur-Sugauli Rail Line** not a single person has been extended job.

5. Learned counsel for the petitioner took this Court to an order of learned Single Judge in **C.W.J.C. No. 21778 of 2019 (Smt. Sumitra Devi & Ors. vs. the Union of India &**



Ors.) wherein vide an order dated 06.07.2022, the writ petition was disposed of directing the respondents to consider the candidature of the petitioners and to provide them appointment.

6. This Court is in receipt of the order of the Division Bench in LPA No. 465 of 2022 (arising out of the same C.W.J.C. No. 21778 of 2019) (**Union of India through Chairman, Railway Board, New Delhi vs. Sumitra Devi & Ors. and analogous cases**) disposed of on 31.03.2024 in which it was recorded that the respondents do not fall under the policy of the Railways enabling them to get them employment. Only small strips of land has been acquired from each of them.

7. Paragraphs 22 to 24 read as follows:

22. None of the respondents fall under the policy of the Railways, enabling them to get an employment. Only small strips of land were acquired from each of the respondents, as is demonstrated from the writ petitions. There is no complete loss of homestead or loss of substantial livelihood for reason of the acquisition nor is it pleaded by any of the respondents. With respect to the



submission regarding employment having been given in other Divisions, it is a fact that employment was given, even in the Division, which had acquired the lands of the respondents herein. Insofar as the claim raised of other persons having been given employment, not even one case has been specified wherein an employment was obtained in lieu of acquisition of a strip of land identical to that of any of the respondents. We also have to observe that illegal or irregular grants cannot result in a valid plea of violation of equality or discrimination as held in South Eastern Coalfields Limited (supra). We find absolutely no reason to sustain the judgment of the learned Single Judge.

23. We set aside the same allowing the appeals, leaving the parties to suffer their respective costs.



*24. Interlocutory application(s), if any,
shall stand disposed of.*

8. It is clear that the order of the learned Single Judge in **Sumitra Devi** (supra) on which the petitioners are relying already stands set aside by a Division Bench of this Court on 31.03.2024.

9. This Court cannot take a different view after the categorical statement of the Railways in the counter affidavit which has not been reverted by the petitioners that not a single person has been offered job in the acquisition of the Hajipur-Sugauli Rail Line. In that background, no relief can be extended to the petitioners.

10. The writ petition is disposed of with the aforesaid observation.

(Rajiv Roy, J)

Ravi/-

U			
---	--	--	--

